

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
SW/S Riverview Road, 438' N of
the c/l of Back River Neck Road * ZONING COMMISSIONER
(2132 Riverview Road)
15th Election District * OF BALTIMORE COUNTY
John A. Myers, et al * Case No. 91-2-A
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit side yard setbacks of 10 feet each in lieu of the required 50 feet for a proposed new dwelling and to permit an accessory structure (shed) with a side yard setback of 1.5 feet in lieu of the minimum required 2.5 feet, in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. After due consideration of the information submitted, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and

- 2 -

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1AW,3.B.3, 400.1 -- To allow a proposed new dwelling with side setbacks of 10 ft. (each) in lieu of the required 50 ft. each AND To allow an accessory structure (shed) with a side yard setback of 1 1/2 ft. in lieu of the required 2 1/2 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Request side yard & front yard setback based on setbacks on existing house and average setback of adjoining houses

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of

Other Legal Owner(s)

Joseph W. Davenport Sr.

Joseph W. Davenport Sr.

Kathryn A. Davenport

Kathryn A. Davenport

2129 Riverview Rd. 574-1699

Bolton, MD 21221

Bolton, MD 21221

Contract Purchaser:

John A. Myers

(Type or Print Name)

John A. Myers

Signature

2132 Riverview Rd.

Address

Bolton, MD 21221

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

SWORN by the Zoning Commissioner of Baltimore County, this 21st day of June, 1990, that the subject matter of this petition be posted on the property on or before the 18th day of July, 1990.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE NECESSARY, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of June, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the 18th day of July, 1990, at 10:00 a.m.

ORDER RECEIVED FOR FILING

Date

By

ZONING COMMISSIONER OF BALTIMORE COUNTY

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of August, 1990 that the Petition for Residential Variance to permit side yard setbacks of 10 feet each in lieu of the required 50 feet for a proposed new dwelling and to permit an accessory structure (shed) with a side yard setback of 1.5 feet in lieu of the minimum required 2.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not allow or cause the proposed new dwelling to be utilized as a two-family dwelling unit and/or apartments.

- 3 -

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at

2132 Riverview Rd., Bolton, MD 21221

(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

Present 2 story house in poor condition necessitate

replacement with new structure

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

John A. Myers

Affiant (Handwritten Signature)

John A. Myers

Affiant (Printed Name)

Karen M. Myers

Affiant (Handwritten Signature)

Karen M. Myers

Affiant (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of June, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Karen Marie Myers + John Andrew Myers

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the statements and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

June 26 1990

DATE

Danise R. Hurd

NOTARY PUBLIC

My Commission Expires: July 1, 1990

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated July 30, 1990, attached hereto and made a part hereof.

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

OFFICE OF THE ZONING COMMISSIONER
Date: 8/6/90
By: M. D. D.

- 4 -

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 6, 1990



Mr. & Mrs. John A. Myers
2132 Riverview Road
Baltimore, Maryland 21221

Mr. & Mrs. Joseph W. Davenport, Sr.
2129 Riverview Road
Baltimore, Maryland 21221

RE: PETITION FOR RESIDENTIAL VARIANCE
SW/S Riverview Road, 438' N of the c/l of Back River Neck Road
(2132 Riverview Road)
15th Election District - 5th Councilmanic District
John A. Myers, et ux - Petitioners
Case No. 91-2-A

Dear Mr. & Mrs. Myers and Mr. & Mrs. Davenport:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Chesapeake Bay Critical Areas Commission
Towson State Office Building, D-4, Annapolis, Md. 21404

DEPREM

People's Counsel

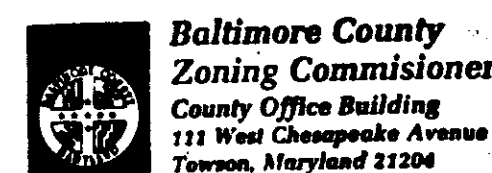
File

PROPERTY DESCRIPTION

Beginning at a point on the South West Side of Riverview Road (20' wide) at the dividing line between lots 10 and eleven (11) South 40 degrees 45' West 171' to the waters of Back River then South East binding on said water 61' then North 40 degrees 45' East 148' North 49 degrees 15' West 10.10' North 39 degrees 40' East 24.60' to South West side of Riverview Road then North 49 degrees 15' West 50.40' being lot number eleven (11) Baltimore County Plat Book Number Ten (10) Folio Number two (2) containing 10,360.3 square feet also known as 2132 Riverview Road, Baltimore Maryland 21221 located in the 15th Election District

465
CRITICAL AREA

91-2-A



Date 6-29-90

MR. & MRS. MYERS

2132 Riverview Rd.

15th Dist.

Administrative Zoning Variance

Petition fee - \$35.00

Sign - 25.00

Total - \$60.00

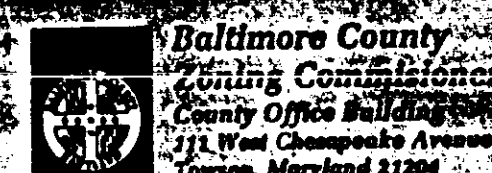
B 063****60001a 3298F

Please make checks payable to: Baltimore County

Cashier Validation:

receipt

No 2855
2872



Date

6/29/90

H9000465

010 - ZONING VARIANCE (1RL) 1 X \$35.00

020 - POSTING SIGN / ADVERTISING 1 X \$25.00

030 - SIGNAGE 1 X \$0.00

TOTAL \$60.00

receipt

No 2872
2855

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner
DATE: July 30, 1990
FROM: Mr. Robert W. Sheesley
SUBJECT: Petition for Zoning Variance - Item 465
Myers Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 2132 Riverview Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. John Myers

APPLICANT PROPOSAL

The applicant has requested a variance from section 1A04.3.8.3 and 400.1 of the Baltimore County Zoning Regulations to allow a proposed new dwelling with side setbacks of 10 feet each in lieu of the required 50 feet and to allow an accessory structure (shed) with a side yard setback of 1.5 feet in lieu of the required 2.5 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

<COMAR 14.15.10.01.0>

Memo to Mr. J. Robert Haines
July 30, 1990
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-213(a)>.

Finding: The existing dwelling on the property is located approximately 85 feet from mean high tide. The proposed dwelling is to be located approximately 85 feet from mean high tide and the proposed shed is to be located approximately 135 feet from mean high tide. No structures shall be located closer to the water than the existing dwelling.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." <Baltimore County Code Sec. 22-98>

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site, therefore no filling of wetlands shall occur.

3. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: The proposed house and shed will result in impervious surfaces equal to 14% of the lot. The driveway is proposed to be made of porous gravel so that the sum of impervious surfaces shall not exceed 15% of the lot.

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15%" <COMAR 14.15.02.04 C.(5)>.

Finding: The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to provide a 15% forested cover.

Shrub and small tree list: 12 items - ball and burlap or 2 gallon container size

Tree list: 6 items - minimum 4 foot size

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

Memo to Mr. J. Robert Haines
July 30, 1990
Page 3

5. Regulation: "The stormwater management system shall be designed so that:

(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;

(2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and

(3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" <Baltimore County Code, Section 22-217(h)>.

Finding: To comply with the above regulation, rooftop runoff shall be directed through downspouts and into Dutch drains or seepage pits (see attached drainage information sheet). This will encourage maximum infiltration of stormwater and decrease the amount of runoff leaving the site.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:DCF:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman W. Lauenstein
The Honorable Dale T. Volz
Mrs. Janice B. Outen

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

July 3, 1990

FILE
COPY



Dennis F. Rasmussen
County Executive

Re: John A. Myers
2132 Riverview Road
Baltimore, Maryland 21221

Re: CASE NUMBER: 91-2-A
ITEM NUMBER: 465
LOCATION: 2132 Riverview Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before July 18, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is August 2, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

[Signature]
D. Stephens
(301) 887-3391

CRITICAL AREA

June 23, 1990

465

Baltimore County Zoning Office
111 West Chesapeake Ave
Room 113
Towson Md, 21204

91-2-A

Dear Sir,

This is in reference to 2132 Riverside Rd. The owner is applying for a variance to replace a 2 story home with a 1 story rancher. Due to the condition of the existing structure this would be an improvement next door to my home. I am in total agreement with this change and support their effort in every way.

Sincerely
Helen Bryant
2130 Riverview Rd
Essex Md 21221

CRITICAL AREA 465

91-2-A

2136 Riverview Road
Baltimore, MD 21221-6514
June 25, 1990

Baltimore County Zoning Office
111 West Chesapeake Avenue
Room 113
Towson, MD 21204

Dear Zoning Office:

This letter is written in support of and agreement with the decision of our next door neighbors as they apply for a variance to replace their two story home at 2132 Riverview Road with a one story rancher because of the current deteriorated structural condition of their house. We can be contacted at 574-2933 if further clarification is necessary.

Sincerely,
James F. Thanner
James F. Thanner
Deborah L. Thanner
Deborah L. Thanner

Baltimore County Zoning Office
111 West Chesapeake Avenue
Room 113
Towson, Maryland 21204

Gentlemen:

This letter is to accompany the petition for Zoning variance filed on June 29, 1990 for 2132 Riverview Road, Baltimore 21221.

We wish to verify that the placement of our names on a separate form was made by our consent. This addition was necessary due to the lack of space on the original form. The four legal owners of the above property are as follows:

John A. Myers
Karen M. Myers
Joseph W. Davenport, Sr.
Kathryn A. Davenport

Sincerely,

Joseph W. Davenport, Sr.
Joseph W. Davenport, Sr.
Kathryn A. Davenport
Kathryn A. Davenport

#465

RECEIVED
JUL 10 1990
ZONING OFFICE

CRITICAL AREA 465

91-2-A

Baltimore County Zoning Office
111 West Chesapeake Avenue
Room 113
Towson, Maryland 21204

Gentlemen:

In regard to the variance at 2132 Riverview Road, to replace a two story house with a one story rancher.

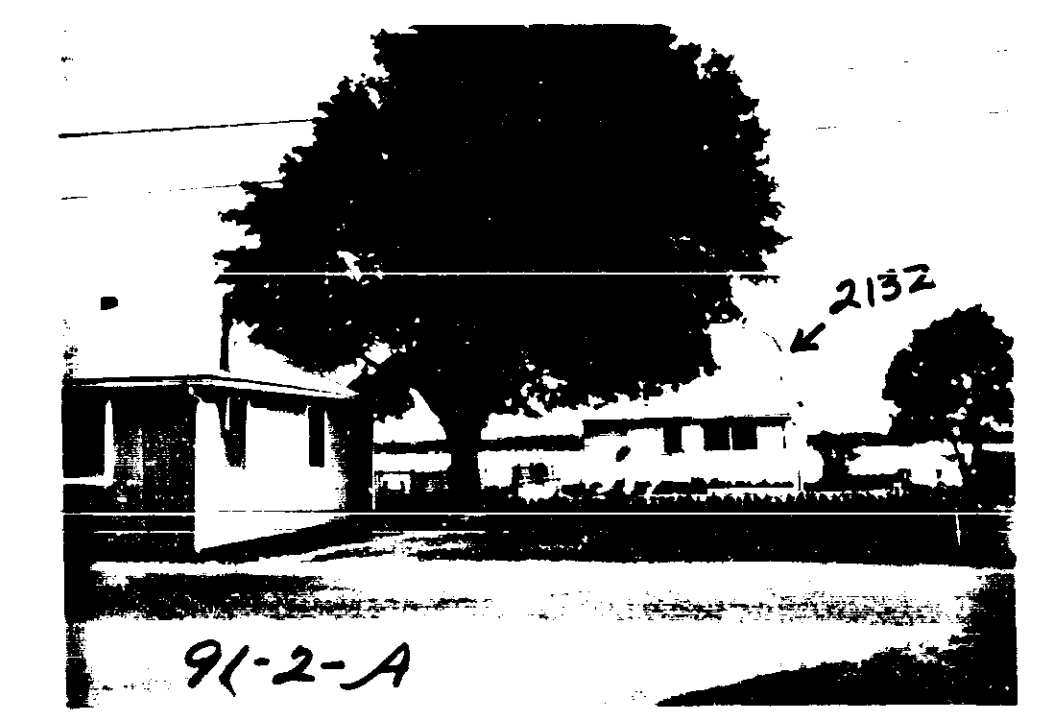
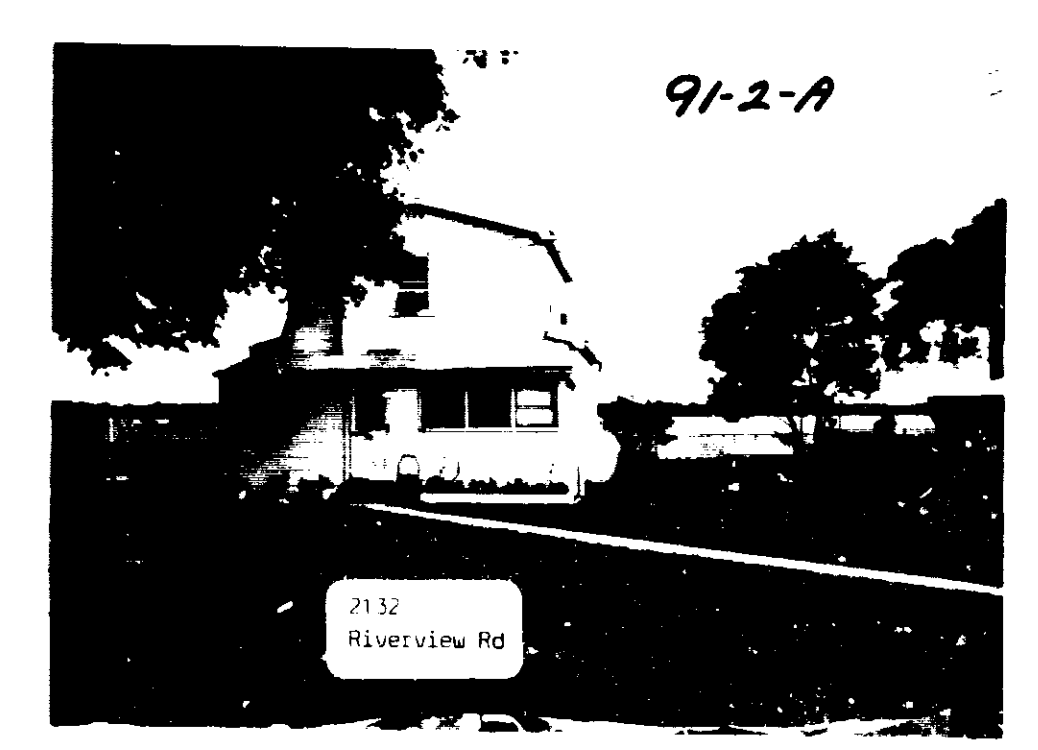
We live directly opposite 2132 on Riverview Road, and we feel the replacement of the old structure would only improve the appearance of the neighborhood and we are in full support of this change.

Sincerely,

Joseph W. Davenport, Sr.
Joseph W. Davenport, Sr.
Kathryn A. Davenport
Kathryn A. Davenport
2129 Riverview Road
574-1699

CRITICAL AREA 465

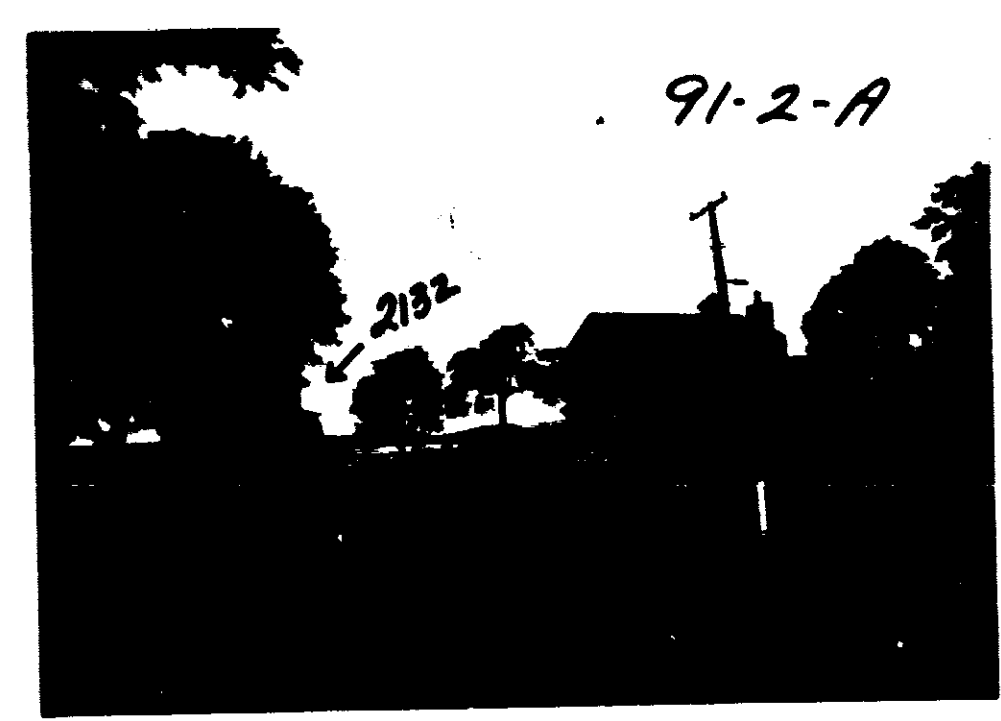
2132 Riverview Rd
and adjacent
property



2132
Riverview Rd.
and
adjacent
property.



91-2-A



CRITICAL AREA 465

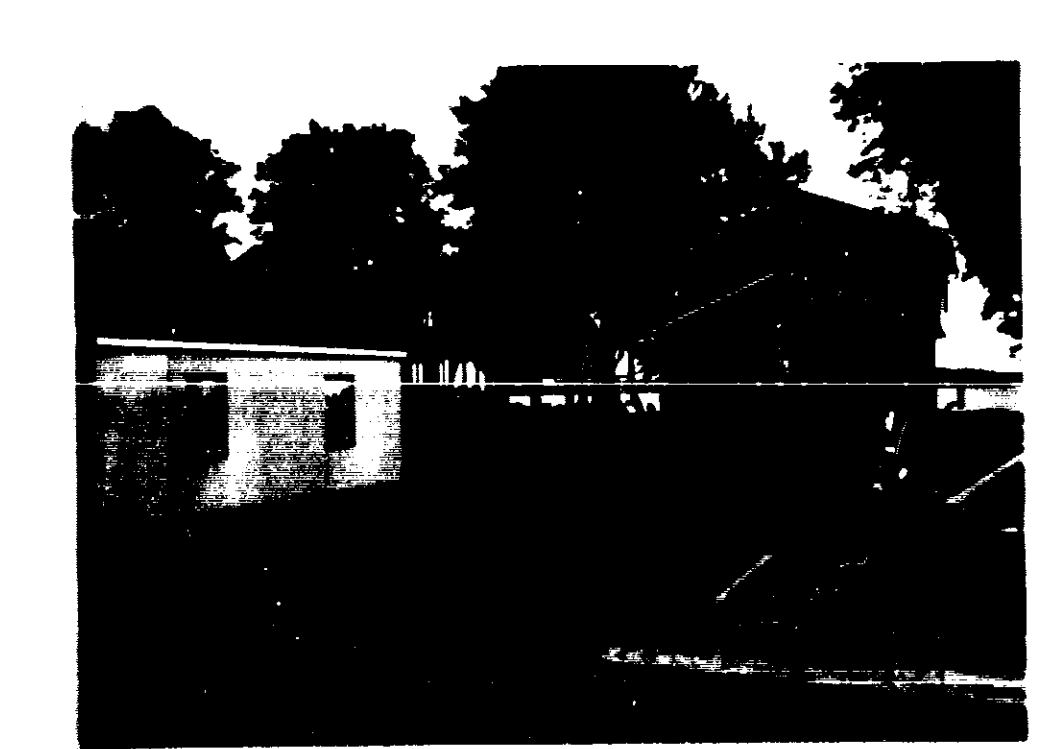
Other properties
and structures on
Riverview Rd.

91-2-A



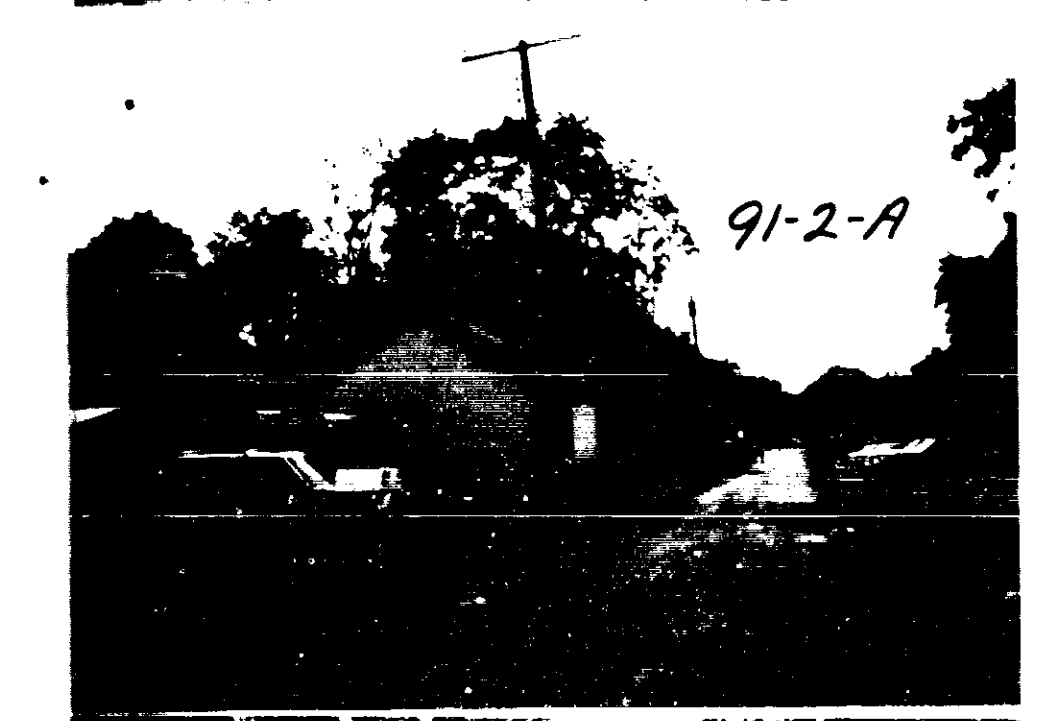
91-2-A

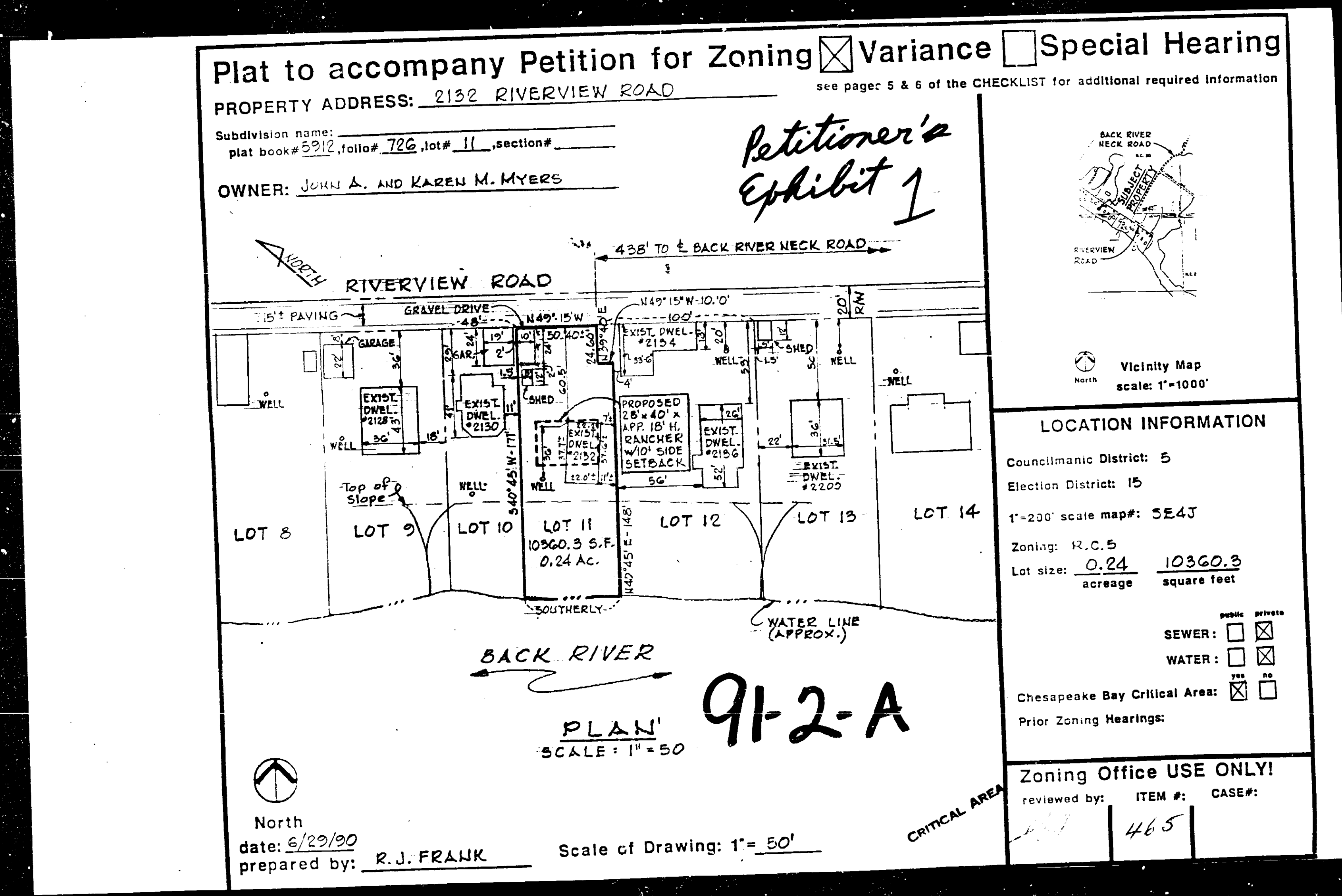
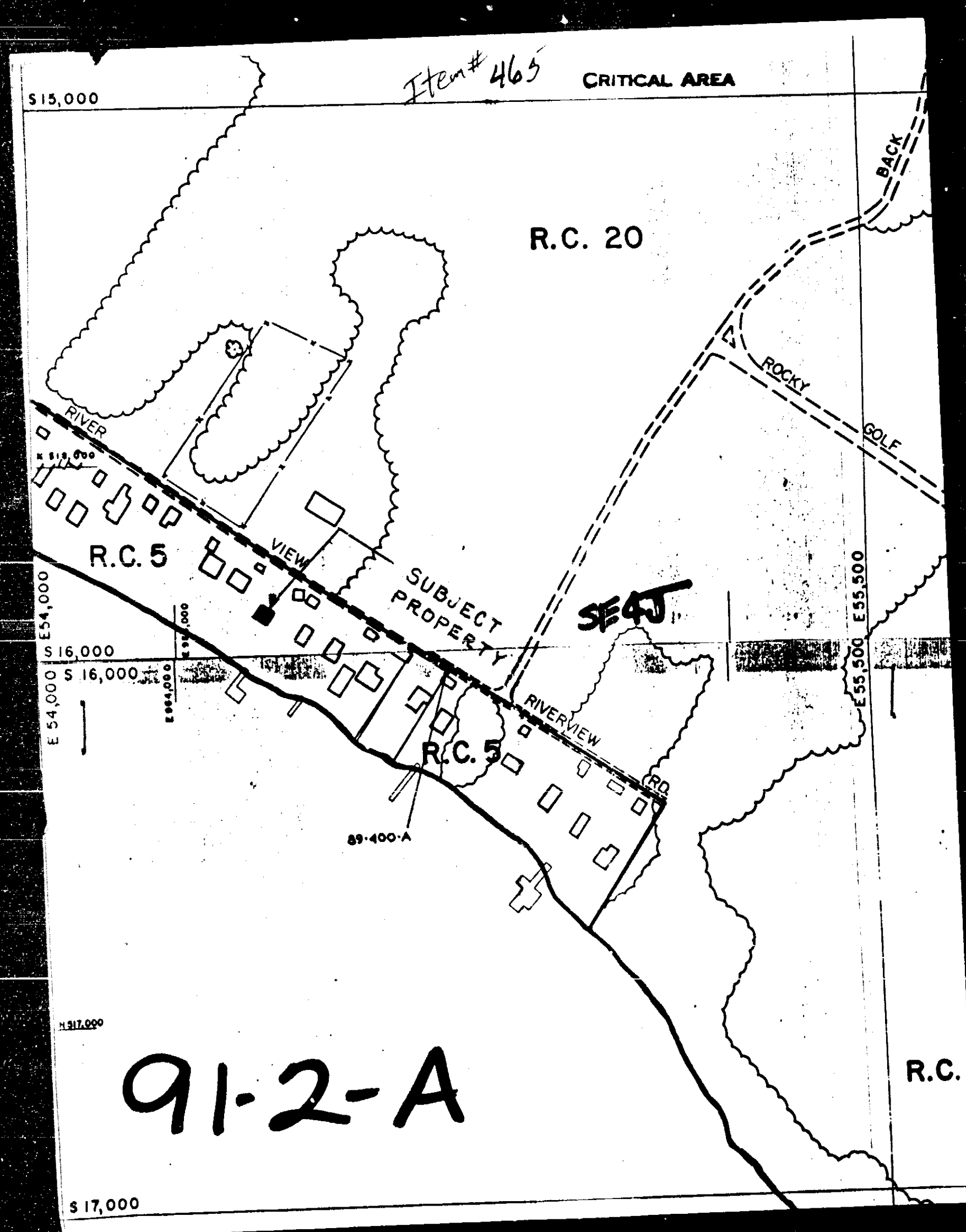
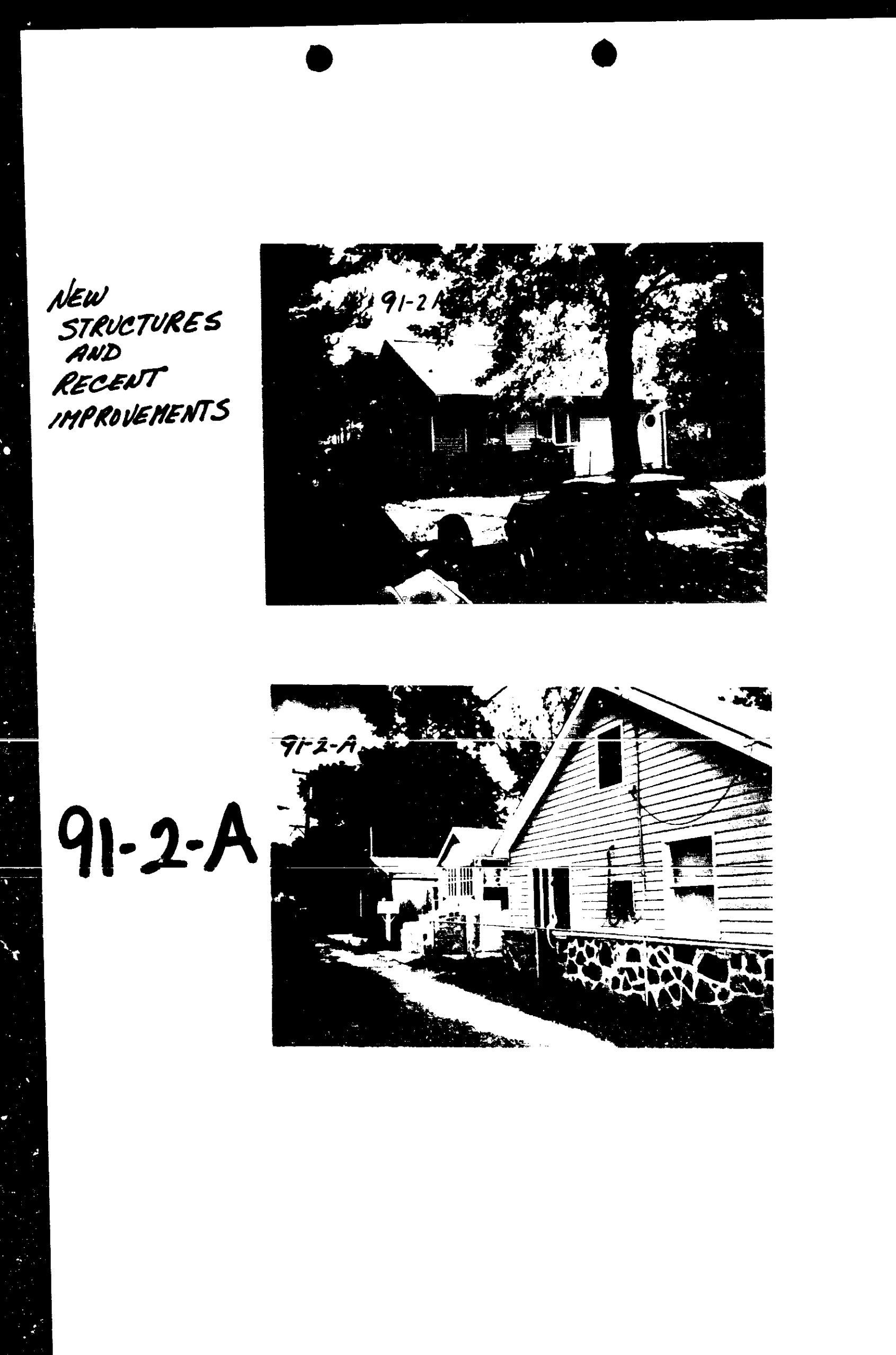
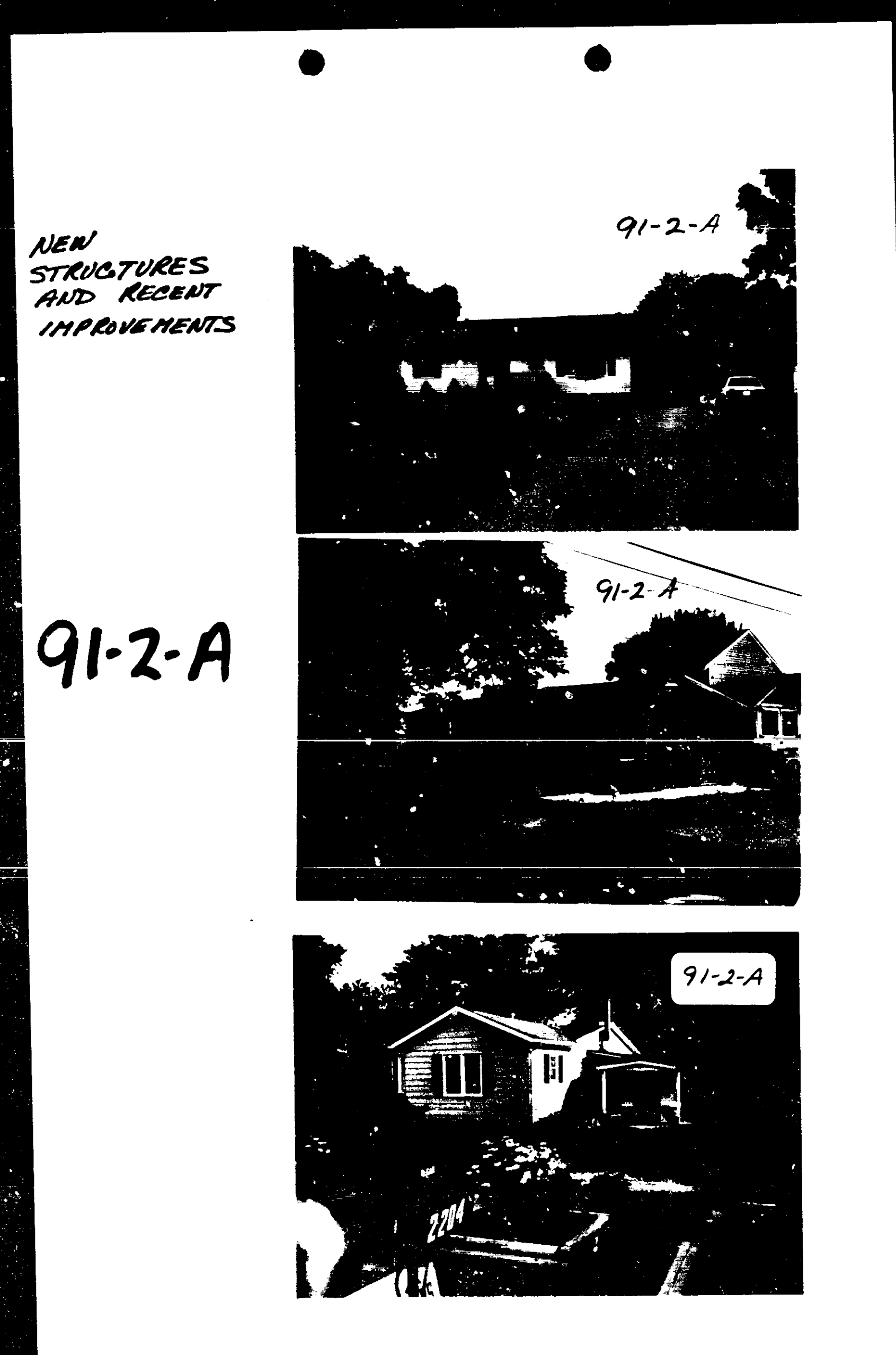
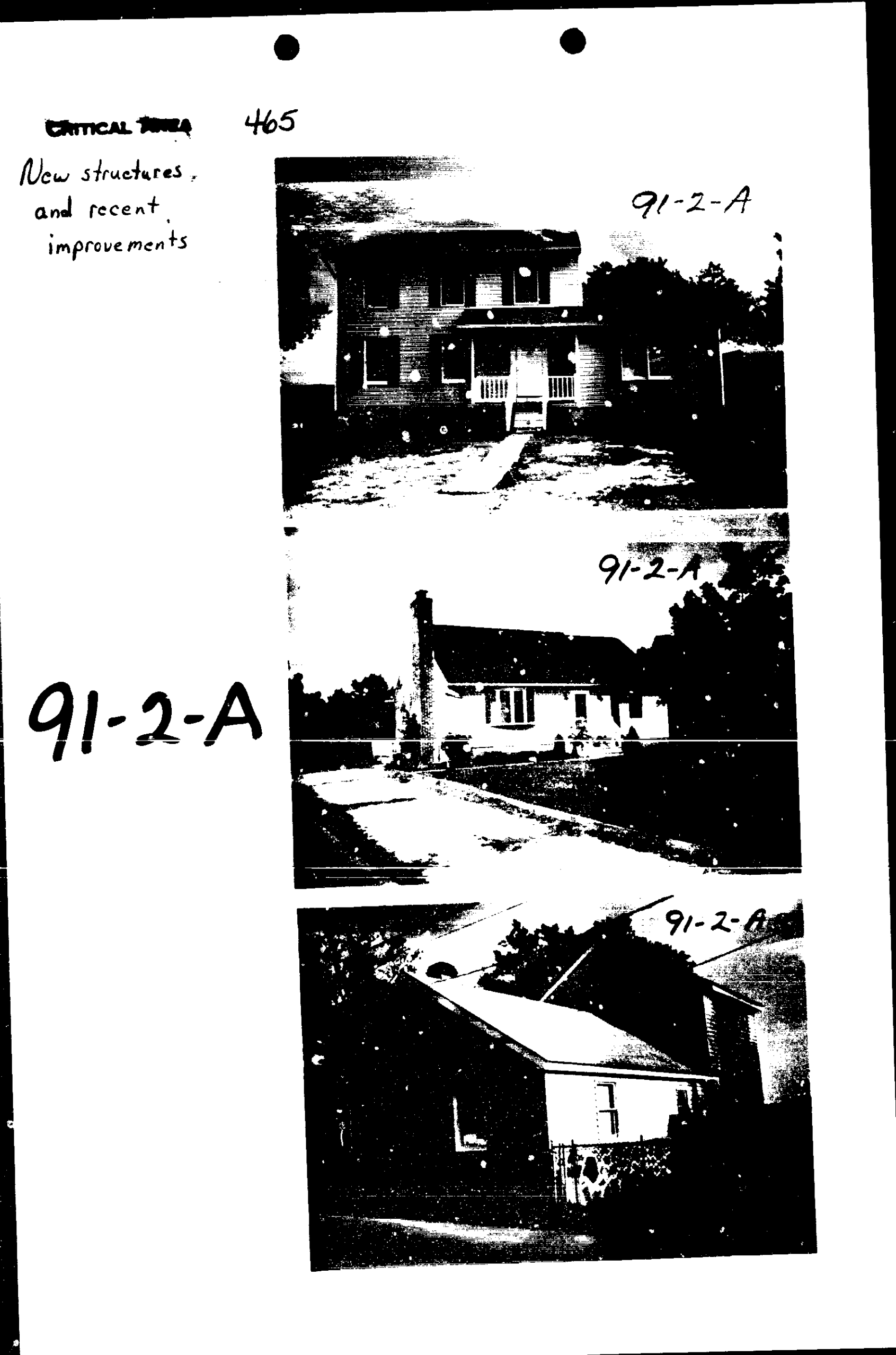
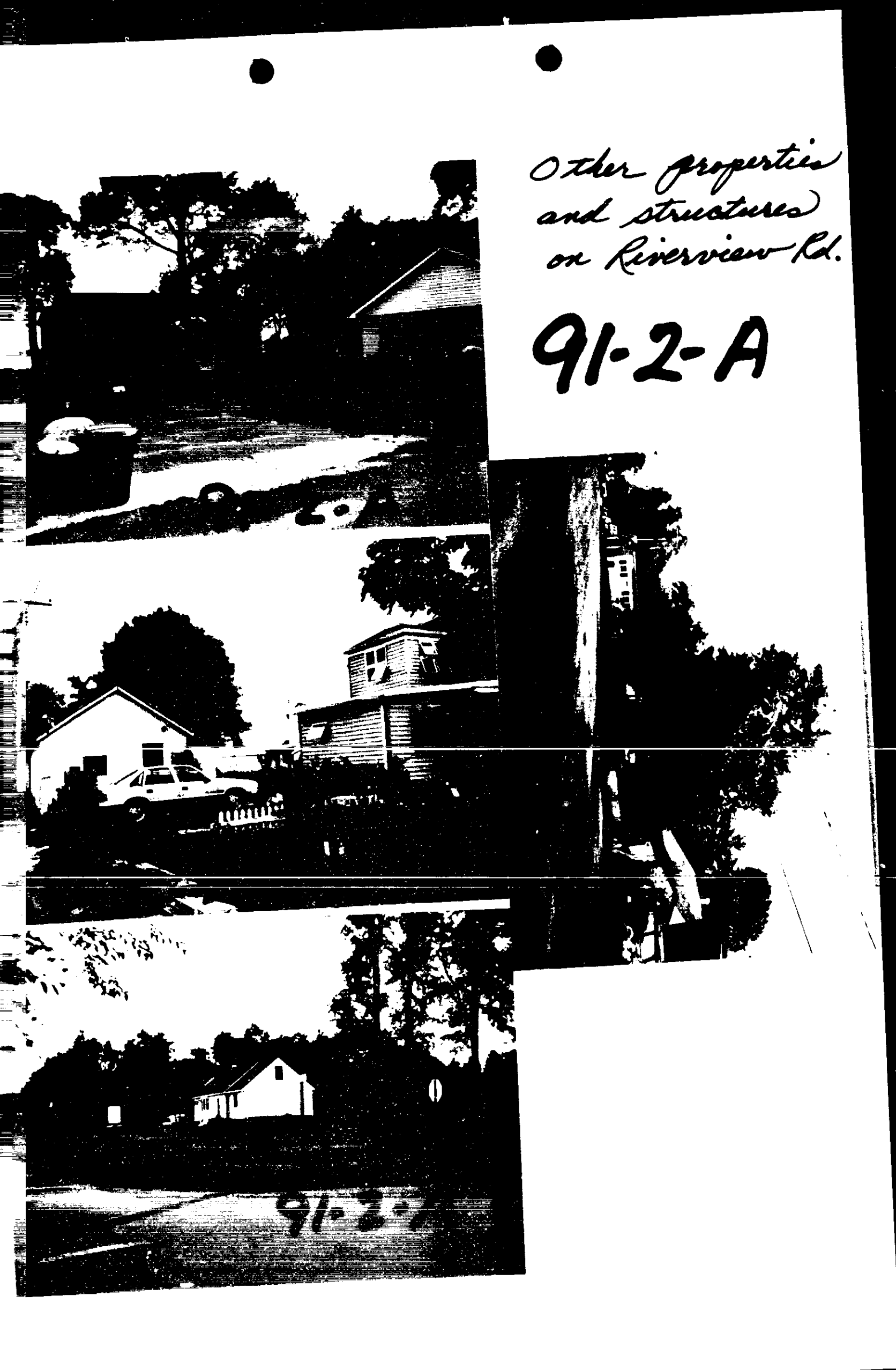
Other properties
and structures
on Riverview Rd.



Other properties
and structures
on Riverview Rd.

91-2-A







CRITICAL AREA
4165

John H. + Karen M. Myers
132 Riverview Rd
Baltimore MD 21221

SUBJECT
PROPERTY

91-2-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200'

LOCATION
BACK RIVER NECK
CEDAR POINT

DATE
OF
PHOTOGRAPHY
JANUARY

SHEET
S. E
4-J